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15 Attorneys for Plaintiff  
16 INNOVATION VENTURES, LLC, LIVING ESSENTIALS, LLC AND INTERNATIONAL IP  
HOLDINGS, LLC

17 UNITED STATES DISTRICT COURT  
18  
19 NORTHERN DISTRICT OF CALIFORNIA

20 INNOVATION VENTURES, LLC, LIVING  
21 ESSENTIALS, LLC, and INTERNATIONAL IP  
HOLDINGS, LLC,

22 Plaintiff,

23 v.

24 PITTSBURG WHOLESALE GROCERS, INC.,  
25 d/b/a PITCO FOODS, ET AL.,

26 Defendants  
27  
28

Case No.: C-12-5523-WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER PERMITTING UNITED CUSTOM  
DISTRIBUTION, LLC TO AMEND  
ANSWER IN LIEU OF RESPONDING TO  
PLAINTIFFS' PROPOSED MOTION TO  
STRIKE**

1 RELATED ACTIONS.  
2

3 WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP  
4 Holdings, LLC (collectively, "Living Essentials") filed and served its Second Amended Complaint on  
5 December 5, 2012;

6 WHEREAS, defendant United Custom Distribution, LLC ("UCD") filed and served its Answer  
7 to the Second Amended Complaint on February 5, 2013;

8 WHEREAS, Living Essentials filed a motion to strike certain of the affirmative defenses raised  
9 by UCD in its Answer on March 1, 2013;

10 WHEREAS, UCD is required to file a response to Living Essentials' motion to strike no later  
11 than March 15, 2013; and

12 WHEREAS, Federal Rule of Civil Procedure 15(a)(2) permits UCD to amend its Answer  
13 upon Living Essentials' written consent; and

14 WHEREAS, the parties agree that the interests of judicial economy are best served by avoiding  
15 unnecessary motion practice;

16 WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the  
17 undersigned, that:

- 18
- 19 1) UCD need not respond to Living Essentials' motion to strike and that UCD will instead file  
20 and serve an Amended Answer to the Second Amended Complaint no later than March 25,  
21 2013.
  - 22 2) Living Essentials' motion to strike certain of the affirmative defenses raised in UCD's  
23 Answer is withdrawn without prejudice.
  - 24 3) Living Essentials reserves all rights under the Federal Rules of Civil Procedure to respond  
25 to UCD's Amended Answer.
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1  
2 CONSENTED AND AGREED BY:

3 Dated: March , 2013

MURPHY PEARSON BRADLEY & FEENEY

4  
5  
6 /s/  
Thomas P. Mazzucco  
Attorneys for Plaintiffs  
Innovation Ventures, LLC, Living Essentials,  
7 LLC, and International IP Holdings, LLC  
8

9 Dated: March , 2013

PATTERSON BELKNAP WEBB & TYLER LLP

10  
11 /s/ Geoffrey Potter  
Geoffrey Potter  
Michelle W. Cohen  
Christos G. Yatrakis  
Attorneys for Plaintiffs  
Innovation Ventures, LLC, Living Essentials,  
12 LLC, and International IP Holdings, LLC  
13  
14

15 Dated: March , 2013

16 /s/ Dean A. Alper  
Dean A. Alper  
Alper & McCulloch  
Attorney for Defendant United Custom Distribution,  
17 LLC  
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19 IT IS SO ORDERED:

20 Dated: March 18, 2013.

21   
22 WILLIAM H. ALSUP  
District Court Judge  
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